THE BOMBAY WEIGHTS AND MEASURES ACT, 1932.

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XV OF 1932.[1]

[THE BOMBAY WEIGHTS AND MEASURES ACT, 1932.]

[*1st December 1932.*]

Amended by Bom. 9 of 1935.
" " " 33 of 1935.
" " " 22 of 1936.
" " " 5 of 1937.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 1 of 1939.
" " " 15 of 1947.
" " " 56 of 1948.

An Act to fix a scale of standard weights and measures for the Presidency of Bombay.

WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption of the same in specified areas in the said presidency [2][and for certain other matters hereinafter appearing]; And whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. V, c. 61.

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Weights and Measures Act, 1932. Short title.

2. (*1*) This Act shall apply to the whole of the presidency of Bombay. Extent and commencement.

(*2*) Part I shall come into force at once. Government may, by notification in the [3][*Official Gazette*], direct that Parts II, III, V and VI shall come into force in any district or municipal area on a date to be specified in such notification.

(*3*) When Government has directed that Parts II, III, V and VI shall come into force in any district or municipal area under sub-section (*2*), Part IV shall come into force in such district or municipal area three months after the dates specified in the notification.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) "Inspector" means an inspector of weights and measures and weighing or measuring instrument, appointed under section 19;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1932, Pt. V, pp. 126-130; for Report of the Select Committee, *see ibid*, 1932, Pt. V, pp. 126-130; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1932, Vol. XXXV.

[2] These words were inserted by Bom. 56 of 1938, s. 2.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*2*) " Measuring instrument " includes any instrument for the measurement of length, area, capacity or volume ;

(*3*) " Mint " means His Majesty's Mint, Bombay ;

(*4*) " Mint Master " means the officer appointed for the time being to be the Master of the Mint, Bombay ;

(*5*) " Prescribed " with its grammatical variations means prescribed by rules or regulations made under this Act ;

(*6*) "Primary standards" mean the weights and measures prepared and stamped under section 5 ;

(*7*) " Rules " and " regulations " mean the rules and regulations made under section 41 and section 42, respectively ;

(*8*) " Secondary standards " mean the weights and measures prepared and stamped under section 7 ;

[1] [(*8A*) " Stamping " includes casting, engraving, etching, branding, or otherwise marking in such manner as to be, so far as practicable, indelible and the expression " stamp " and other expressions relating thereto shall be construed accordingly ;]

(*9*) The expression " verification " or " reverification " with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument ;

(*10*) " Weighing instrument " includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing ; and

(*11*) " Working standards " mean the weights and measures provided under section 9 ;

[2] [(*12*) " Government " means in relation to the establishment of standards of weight, the Central Government, and save as aforesaid means, the Provincial Government.]

PART II.

Standards of Weights and Measures.

Standard weights and measures.

4. [3](*1*) The weights and measures including the multiples and sub-multiples thereof described in the First Schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

[4] [(*2*) Notwithstanding anything contained in sub-section (*1*), Government may, after previous publication by notification in the [5][*Official Gazette*], declare, either generally or for any trade or class of trades—

(*a*) any other multiple or sub-multiple of a weight or measure specified in the First Schedule, or

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[1] This clause was inserted by Bom. 56 of 1948, s. 3.
[2] Sub-section (*12*) was inserted by the Adaptation of Indian Laws Order in Council.
[3] Section 4 was renumbered as sub-section (*1*) of that section by Bom. 33 of 1935 s. 2.
[4] Sub-section (*2*) was added, *ibid.*
[5] The words " *Official Gazette*" were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

(*b*) any other weight or measure, or any multiple or sub-multiple thereof, to be a weight or measure authorised to be used in any place in which this Part has come into force.

The weight, measure, multiple or sub-multiple shall, to the extent so declared, be deemed to be a standard weight or measure for the purposes of this Act.]

Primary standards.

5. For the purpose of verifying the secondary standards, such standard weights and measures as Government may direct shall be prepared [1]* * * by the Mint Master [2][or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the [3][*Official Gazette*]. They shall be stamped with the stamp of the Mint [4][or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called primary standards.

Custody of primary standards.

6. The primary standards shall be kept in the custody of such officer in the City of Bombay as Government may direct. They shall, once at least in every period of five years, be verified, and if necessary, adjusted or renewed, at the Mint in such manner and by such officer as Government may direct.

Secondary standards.

7. For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct, shall be prepared [5]* * * by the Mint Master [6][or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with the stamp of the Mint [7][or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called secondary standards.

Custody and verification of secondary standard

8. (*1*) The secondary standards shall be kept—

(*i*) in the City of Bombay by such officer and at such place as Government may direct;

(*ii*) elsewhere by the Collectors in the Government treasuries at the head-quarter towns of their respective districts and at such other town or place within their respective districts as Government may direct.

(*2*) Government may direct any municipality or district local board to keep the secondary standards at such places, in such custody and in such manner as may be prescribed.

(*3*) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, and shall be marked with the date of verification, in the prescribed manner by such officer as Government may direct.

(*4*) A secondary standard which is not so verified, adjusted or renewed and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

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[1] The words " at the Mint " were omitted by Bom. 9 of 1935, s. 2 (*1*).
[2] These words were inserted, *ibid*.
[3] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.
[4] These words were inserted by Bom. 9 of 1935, s. 2 (*2*).
[5] The words " at the Mint " were omitted, *ibid*, s. 3 (*1*).
[6] These words were inserted, *ibid*.
[7] These words were inserted, *ibid*, s. 3 (*2*).

Working standards.

9. (*1*) For the purpose of verifying weights and measures in use in any area, Government may provide such standard weights and measures as it thinks fit, to be working standards. They shall be made of such material, weight, length, form and according to such specifications and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed. When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

(*2*) The working standards shall be kept by such officers and such municipalities and local boards as Government may direct, at such places, in such custody and in such manner as may be prescribed.

(*3*) A working standard shall be verified or re-verified and marked by such person, at such place and in such manner, as may be prescribed.

(*4*) A working standard shall not be deemed legal, or be used for the purposes of this Act, unless it has been verified or re-verified and marked in the prescribed manner within such period as may be prescribed before the time at which it is used.

A working standard which has become defective shall not be legal, or be used for the purposes of this Act, until it has been re-verified and marked in the prescribed manner.

Weighing and measuring instruments.

10. Weighing and measuring instruments stamped in the manner prescribed by such officer as Government may direct shall be kept at all places where secondary standards or working standards are kept. Such instruments shall be of such kind, kept in such number and shall be verified, adjusted or renewed in such manner as may be prescribed.

Duty of certain municipalities and local boards to provide and maintain secondary standards, etc.

11. Where Government has directed a municipality or local board to keep the secondary standards under sub-section (*2*) of section 8, the working standards under sub-section (*2*) of section 9 and weighing or measuring instruments under section 10, the municipality or local board so directed, as the case may be, shall provide and maintain the said secondary standards, working standards or weighing or measuring instruments.

Use of standard weights and measures for particular trades.

[1][**11A.** (*1*) Government may, by notification in the *Official Gazette*, declare that such standard weights or measures or weighing or measuring instruments shall, notwithstanding anything contained in this Act, be used for such trade or class of trades in such area from such date and subject to such conditions as may be specified in the notification.

(*2*) On and from the date specified in the notification under sub-section (*1*), no weight or measure or weighing or measuring instrument other than the one specified in such notification shall be used in such trade or class of trades.]

Prohibition of weights and measures other than standard weights and measures.

12. (*1*) Subject to the provisions of section 46, and notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made in any area after this Part shall have come into force in the said area for any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standard weights or measures or to multiples [2][or sub-multiples] thereof and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract.

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[1] This section was inserted by Bom. 56 of 1948, s. 4.

[2] The words " or sub-multiples " were inserted by Bom. 33 of 1935, s. 3.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation.—Unless there is anything repugnant in the subject or context, dealing or contract is hereinafter called "trade."

[1][**12A.** Any custom, usage, practice or method of whatever nature which permits in any trade a seller or a buyer to demand, receive or cause to be demanded or received any quantity of article in excess of or less than the quantity fixed by the weight or measure by which the contract or dealing for the sale of the said article has been made shall be void.] Custom for excess or less quantity to be demanded or received void.

PART III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

13. Every weight which conforms to the provisions of this Act and [2][Denomination] the rules and regulations except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which conforms to the provisions of this Act and the rules and regulations shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules and regulations.

14. (1) No weight or measure shall be used for trade unless it has been verified or re-verified in the prescribed manner and stamped by an inspector with a stamp of verfication under this Act. Stamping and verification of weights and measures.

(2) Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instrument used for trade.

15. No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification. Use of weighing or measuring instrument not verified and stamped prohibited.

16. No weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or re-verified and stamped in the prescribed manner by an inspector with a stamp of verification. Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped prohibited.

Phone!
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Dist:Bijapur

[1] This section was inserted by Bom. 56 of 1948, s. 5.

[2] This marginal note was substituted for the original *ibid*, s. 6.

Empowering municipalities and district local boards to stamp weights etc.

17. Government may empower any municipality or district local board authorised under this Act to keep [1][secondary or working standards or both] to stamp weights and measures and weighing or measuring instruments.

Provision of means of verification and stamping.

18. Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing of measuring instruments in the City of Bombay, in all headquarter towns in the districts and at such other places as Government may determine:

Provided that municipalities and district local boards authorised to keep secondary and working standards under this Act shall also provide proper and sufficient means for verifying, adjusting, marking and, if empowered under section 17, for stamping weights and measures and weighing or measuring instruments at such places within their respective limits, as Government may determine.

Appointment of inspectors of weights and measures.

19. (*1*) Government shall appoint a sufficient number of persons with prescribed qualifications as inspectors for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules and regulations.

(*2*) A Municipality or a district local board authorised under this Act to keep [2][secondary or working standards or both] shall also appoint a sufficient number of persons with prescribed qualifications as inspectors for the purpose of performing the duties of inspectors specified in sub-section (*1*).

(*3*) The number and scale of pay of inspectors appointed under sub-section (*2*) shall, except in the case of inspectors appointed by the Municipal Corporation of the City of Bombay, be subject to the approval of Government.

Inspectors to enter into recognizance.

20. Every inspector shall forthwith on his appointment enter into a recognizance with Government or the municipality or district local board, as the case may be, in such sum as may be prescribed for the due performance of the duties of his office, for the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for the safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

Requiring persons, dealers, etc., to keep books, accounts and records.

[3][**20A.** (*1*) Every person using weights or measures or weighing or measuring instruments for trade shall maintain such records, and

(*2*) every dealer, repairer or manufacturer in any weights or measures or weighing or measuring instruments shall maintain such books, accounts and records,

relating to weights or measures or weighing or measuring instruments and in such manner as may be prescribed and shall produce them for inspection in such manner as may be prescribed.]

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[1] The words "secondary or working standards or both" were substituted for the words "secondary and working standards" by Bom. 33 of 1935, s. 4.

[2] The words "secondary or working standards or both" were substituted for the words "secondary and working standards", *ibid*, s. 5.

[3] This section was inserted by Bom. 56 of 1948, s. 7.

Verification and stamping by inspectors.

21. (*1*) Every inspector shall, for the purposes of the verification of weights and measures and weighing or measuring instruments, attend at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him.

(*2*) He shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification or re-verification. If he finds such weight or measure or weighing or measuring instrument correct, he shall, if he is an inspector appointed by Government or by a municipality or district local board, empowered under section 17, stamp the same with a stamp of verification in the prescribed manner. If such inspector is one appointed by a municipality or district local board, not empowered to stamp under section 17, he shall, after such verification, refer the matter to the nearest inspector appointed by Government for such action as he deems fit.

(*3*) It shall be competent to Government to empower an officer to inspect the work of stamping done by an inspector appointed by a municipality or district local board within the area under his charge.

Power to inspect weights, etc. and to enter shops, etc., for that purpose.

22. (*1*) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weights and measures and weighing or measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose.

[1][(*1A*) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures and weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether or not such weights, measures or instruments are used, or are in his possession for use, for trade.]

(*2*) Such inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(*3*) For the purpose of such inspection, the inspector may at all reasonable times enter into any place where weights and measures and weighing or measuring instruments are used or kept for purpose of trade and inspect such weights and measures and weighing or measuring instruments.

Inspector not to be maker, seller or adjustor of weights and measures or weighing or measuring instruments.

23. An inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to Government desirable that an inspector should be allowed to adjust weights or measures or weighing or measuring instruments, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

Inspectors to be public servants.

24. Every inspector appointed by a municipality or district local board under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

[1] This sub-section was inserted by Bom. 15 of 1947, s. 3.

Government or municipality or district local board may determine difference.

25. (*1*) If any difference arises between an inspector and any person interested as to the meaning or construction of any rule or regulation or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, such difference may, at the request of the party interested or by the inspector of his own accord be referred to such officer as Government may direct or to the municipality or district local board, as the case may be, and the decision of such officer or the municipality or district local board shall subject to the provisions of sub-section (*2*) be final.

(*2*) An appeal shall lie within the time prescribed from the decision under sub-section (*1*) to Government or such officer as Government may appoint in this behalf. The decision of Government or such officer under this sub-section shall be final.

Expenses of municipality and district local board.

26. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or district local board under and for the purposes of this Act and the rules and regulations may be paid out of the municipal or local fund.

Levy of fees.

27. (*1*) Government and with the previous sanction of Government a municipality or district local board [1][directed under sub-section (*2*) of section 8 or section 9 to keep secondary or working standards], shall charge such fees for the verification, re-verification, marking, adjustment and stamping of weights or measures or weighing or measuring instruments as may be prescribed.

(*2*) There shall be credited annually to Government—

[2][the balance of the fees levied by the municipalities and district local boards under this section after deducting—]

(*a*) in such number of equal annual instalments as may be directed by Government, the expenses incurred by the said municipalities or local boards as the case may be in providing and maintaining secondary standards, working standards or weighing or measuring instruments under section 11, and

(*b*) all necessary recurring expenditure of the said municipalities or loca boards as the case may be under this Act.

(*3*) The municipalities and local boards [3][leving fees under this section] shall forward to Government a quarterly statement of expenditure incurred by them under this Act.

wer of nicipali- s and dis- ct local rds to abine for purposes he Act.

28. (*1*) With the sanction of Government any two or more municipalities or district local boards may combine, as regards either the whole or any part of the area within their jurisdiction for all or any of the purposes of this Act upon such terms and in such manner as may be mutually agreed upon.

(*2*) An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties, as if he had been appointed by each of the municipalities and district local boards which is a party to such agreement.

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[1] These words, figures and brackets which had effect from 1st December 1932 were substituted for the words and figures " authorised under section 17 or 18 " by Bom. 22 of 1936, s. 2.

[2] These words were substituted for the original words, figures and brackets by Bom. 5 of 1937, s. 2 (*1*).

[3] These words were substituted for the words, figures and brackets " mentioned in clause (*ii*) of sub-section (*2*) ", *ibid.*, s. 2.

29. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure in all places in which this part has come into force, unless false or defective, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped. Validity of weights and measures, etc., duly stamped.

30. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act or the rules or regulations shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of Government or the municipality or district local board, as the case may be, or by any person acting under the general or special authority of such public servant. Stamped weights, etc., to be *prima facie* deemed correction any court.

PART IV.

PENALTIES.

31. Whoever fraudulently uses any weight or measure or weighing or measuring instrument, shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine extending up to rupees five hundred or with both. Penalty for fraudulent use of weight, measure, etc.

[1][31A. Whoever uses any weight or measure or weighing or measuring instrument in contravention of any notification issued under section 11A shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine which may extend to rupees five hundred or with both.] Penalty for use of weight or measure in contravention of section 11A.

32. Whoever wilfully or knowingly makes, sells or disposes of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to rupees five hundred or with both. Penalty for making, selling, disposing of false or defective weight, measure, etc.

33. Whoever sells [2][or causes to be sold] any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punishable with fine which may extend to rupees five hundred. Penalty for sale by weight or measure other than standard weight or measure.

34. Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument which is not authorised, verified [3][or re-verified] or stamped under or in accordance with the provisions of this Act and the rules and regulations shall, on conviction, be punishable with fine which may extend to rupees five hundred, and any trade had or made by such weight or measure or weighing or measuring instrument shall be void. Penalty for use and possession of weight, measure, etc., not authorised.

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[1] This section was inserted by Bom. 56 of 1948, s. 8.

[2] These words were inserted, *ibid.*, s. 9.

[3] These words were inserted by Bom. 1 of 1939, s. 2 (*i*).

[1][*Explanation.*—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or of any employee or agent of such trader, such trader shall be presumed, until the contrary is proved, to have had it in his possession for use for trade.]

Penalty for giving short weight or measure.

[2][**35.** Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser—

(*i*) in cases to which an amount of error prescribed under section 46A applies, short weight or measure, exceeding in shortage the amount of error so prescribed, or

(*ii*) in other cases, short weight or measure,

shall, on conviction, be punishable with fine which may extend to rupees three hundred.]

36. [*Penalty for possessing for use weight, etc., not verified or stamped.*] *Repealed by Bom. I of 1939, section 3.*

Penalty for sale or delivery of weight or measure, etc., not verified or stamped.

37. Whoever sells or delivers [3][or causes to be sold or delivered] any weight or measure or weighing or measuring instrument not verified or re-verified and stamped under this Act shall, on conviction, be punishable with fine which may extend to rupees one thousand.

Penalty for forging, etc., of weights, measures, etc.

38. (*1*) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing or measuring instrument [4][or possesses any such counterfeit stamp] or removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

(*2*) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

Penalty for neglect or refusal to produce weight for inspection.

39. Whoever neglects or refuses to produce for inspection all weights or measures or weighing or measuring instruments in his possession or on his premises or refuses to permit an inspector authorized to examine the same or any of them or obstructs the entry of the inspector under section 22 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Penalty for demanding or receiving articles in excess of or less than quantity fixed by weight or measure.

[5][**39A.** Whoever in contravention of the provisions of section 12A, demands receives or causes to be demanded or received any quantity of article sold or bought shall, on conviction, be punished with fine which may extend to rupees three hundred.]

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[1] The Explanation was added by Bom. 1 of 1939, s. 2 (*ii*).
[2] Section 35 was substituted for the original by Bom. 15 of 1947, s. 4.
[3] These words were inserted by Bom. 56 of 1948, s. 10.
[4] These words were inserted, *ibid.*, s. 11.
[5] This section was inserted, *ibid.*, s. 12.

40. If an inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules or regulations or is guilty of a breach of any duty imposed on him by this Act or by the rules or regulations, he shall, on conviction, be punished with imprisonment of either description for a period which may extend to one year or with fine or with both. Penalty for breach of duty by inspector.

PART V.

RULES AND REGULATIONS.

41. (*1*) Government may make rules [1]for carrying into effect the purposes of this Act. Power of Government to make rules.

(*2*) Without prejudice to the generality of the foregoing provision, such rules may prescribe—

(*a*) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made;

(*b*) the places at which, the custody and manner in which secondary standards shall be kept by municipalities and district local boards;

(*c*) the procedure for the verification, re-verification, adjustment or renewal of primary and secondary standards and marking of secondary standards;

(*d*) the composition, weight, length, form and specifications and use of working standards, the authority by whom and the manner in which such standards shall be provided, the agency by whom such standards shall be made, the person by whom and the manner in which such standards shall be stamped, and the places at which and the custody and manner in which such standards shall be kept;

(*e*) the procedure for the verification or re-verification and marking of working standards and the person by whom and the place where they shall be verified or re-verified;

(*f*) the number of weighing and measuring instruments to be kept and necessary particulars regarding the same;

(*g*) the authority by whom certified scales shall be provided for the purposes of this Act and the rules and regulations and the manner in which they shall be verified or re-verified;

(*h*) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area;

(*i*) the inspection, verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights and measures and weighing or measuring instruments shall be verified or re-verified;

[2][(*ii*) the books, accounts and records relating to weights or measures or weighing or measuring instruments to be maintained and the manner in which they shall be maintained or produced;]

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[1] For Rules under this section, *see* G. N., G. D., No. 9492, dated 5th June 1934, published in the *B. G. G.*, Pt. I of 1934, pp. 1323-56. *See* also Bombay Local Rules and Orders, Vol. IV.

[2] This clause was inserted by Bom. 56 of 1948, s. 13.

(*j*) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced;

(*k*) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measurs and weighing or measuring instruments;

(*l*) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade;

(*m*) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade;

[1][(*mm*) the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;]

[2][(*mmm*) the method of using weight or measure or weighing or measuring instrument generally or for a specified class of trade;]

(*n*) the fees to be charged for the verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments and the collection and levy of the same;

(*o*) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorized by this Act and in regard to which no regulations have been made under section 42;

(*p*) the matters other than those specified in section 42 in respect of which regulations may be made by municipalities or district local boards;

(*q*) the qualifications, functions and duties generally of inspectors under this Act and the rules and regulations;

(*r*) any other matters for which no provision or insufficient provision is made in this Act and for which provision is, in the opinion of Government, necessary.

(*3*) The powers to make rules under this section shall be subject to the condition of previous publication in the [3][*Official Gazette*].

[4][Any rules made by the Provincial Government] under this section shall be laid [5][before each Chamber of the Provincial Legislature] for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution [6][in which both Chambers concur]. If any rule is modified, the [7][Provincial Government] may accept the modification and republish the rule accordingly, or may rescind the rule.

[8][(*4*) The rules may provide that any person committing a breach of the same shall, on conviction, be punishable with fine which may extend to rupees one hundred].

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[1] Clause (*mm*) was inserted by Bom. 22 of 1936, s. 4.
[2] This clause was inserted by Bom. 56 of 1948, s. 13.
[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
[4] The words "Any rules made by the Provincial Government" were substituted for the words "The rules made", *ibid.*
[5] These words were substituted for the words "on the table of the Bombay Legislative Council", *ibid.*
[6] These words were substituted for the words "of the said Council", *ibid.*
[7] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*
[8] The sub-section was inserted by Bom. 56 of 1948, s. 13.

Power of municipality and district local board to make regulations.

42. (*1*) Every municipality and district local board, authorized to keep secondary or working standards under this Act, shall, with the previous sanction of Government, make regulations not inconsistent with this Act and the rules for the area subject to its jurisdiction, providing for—

(*a*) the verification, adjusting and stamping of weights and measures and weighing or measuring instruments in use within the area subject to its jurisdiction and for the stamping thereof, when such municipality or district local board is empowered under section 17;

(*b*) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorized by this Act;

(*c*) the inspection of weights and measures and weighing or measuring instruments;

(*d*) the duties generally under this Act of the inspectors appointed by such municipality or district local board; and

(*e*) any other matters in respect of which it is authorized by rules to make regulations.

(*2*) The regulations for the time being in force shall be kept open for public inspection at the municipal and district local board offices at all reasonable times and printed copies thereof in the vernacular language of the area subject to the jurisdiction of the municipality or district local board, and in the case of city and borough municipalities in English as well as in the vernacular shall be kept on sale at cost price.

PART VI.

MISCELLANEOUS.

Protection to persons acting in good faith.

43. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

Cognizance of offences.

44. No prosecution under this Act shall be instituted except by or with the previous sanction of the Collector or any officer specially empowered by him or by Government in this behalf.

Delegation of powers by Government.

45. Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf.

Power to exempt specified persons, articles or trades from provisions of the Act.

46. Government may, after previous publication by notification in the [1][*Official Gazette*], and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade, [2]*any class of trades [3][or any class of weights or measures or of weighing or measuring instruments used or intended to be used for any purpose other than trade] specified in the notification from all or any of the provisions of this Act.

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[1] The words "*Official Gazette*" were substituted for the wrds "*Bombay Government Gazette* by." the Adaptation of Indian Laws Order in Council.

[2] The word "or" was omitted by Bom. 33 of 1935, s. 4 (*i*).

[3] These words were inserted, *ibid*, s. 4 (*ii*).

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[1][**46A.** Government may prescribe the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades.]

tepeal and mendments.

47. On the coming into force of this Part in any area—

(*a*) the enactments specified in Part I of the Second Schedule shall be deemed to have been amended to the extent and in the manner specified in the third column thereof;

(*b*) the enactments specified in Part II of the said schedule shall be deemed to have been repealed, so far as they apply to the presidency of Bombay, to the extent specified in the third column thereof:

Provided that—

(*i*) the said repeal shall not affect the validity or invalidity of anything already done under the enactments repealed by this Act;

(*ii*) all appointments made, notifications and notices issued, rules, by-laws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continue in force and be deemed to have been made, issued, entered into and instituted under this Act.

THE FIRST SCHEDULE.

(*See* section 4.)

Standard Weights and Measures.

Weights—

The Bombay Tola of 180 grains.

The Bombay Seer of 80 tolas.

The Bombay Maund of 40 seers.

The sub-multiples ½, ¼, ⅛, 1/16 and 1/32 and the multiples 2, 4 and 8 of the tola, seer and maund.

The pound avoirdupois equal to 7,000 grains and the sub-multiples ⅛, ¼, ½, 1, 2, 4 and 8 ounces, the multiples, 1, 2, 4, 7, 14, 28 lbs. (a quarter), 56 lbs., 112 lbs. (1 cwt.) and 2,240 lbs. (1 ton).

The grain is that unit of weight in vacuo which when multiplied by 1799·84585 is the weight of the iridio-platinum cylinder in the custody of the Mint Master, Bombay, the value of which is certified by the Standard Department of the British Board of Trade as 1799·84585 grains in vacuo.

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[1] Section 46A was inserted by Bom. 22 of 1936, s. 5.

Explanation 1.—The equivalent value of the abovementioned iridio-platinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8·143 is 1800·00394 grains, i.e., a brass weight whose value in vacuo is 1800·00394 grains will exactly equilibrate the abovementioned iridio-platinum cylinder in Standard Indian Air.

Explanation 2.—Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to ·10000856 of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all verifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value 1800·00394 grains is always used for verifying weights.

Explanation 3.—Standard Indian Air is defined as follows:—
Temperature: 85 deg. Fahr.—29·44 deg. Cent. Pressure: A column of mercury at 0 deg. C. 29·8 inches or 756·919 mm. in height. Carbon diox. gas: 0·0006 of the volume of air. Vapour tension: 0·75 inches = 19·05 mm. Latitude at Calcutta 22° 35′ 6·6″. Height above M. S. L. = 22·6 feet. 1 litre of Standard Indian Air at Calcutta weighs 1·14917 grm.

Dry measures—
The Bombay seer.
The sub-multiples ½, ¼ and ⅛ seer.
The Bombay Chatak = 1/16 seer.
The Adpao = ⅛ seer.
The Adholi = 2 seers.
The Bombay payali of 4 seers.
The Bombay Maund of 16 payalis.
The Bombay Map of 2 maunds.

Liquid measure—
The Bombay seer.
The sub-multiples ½, ¼, ⅛ and 1/16 seer.
The multiples 2, 4 and 8 seers.
The Imperial gallon.
The Pint = ⅛ gallon.

Dry and Liquid measures—Explanations—
Explanation 1.—The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8·143.

Explanation 2.—The unit of capacity called the Imperial gallon contains ten British Standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.

Length—
The Yard—
The Inch=1/36th yard, and
The Foot=⅓rd yard.
The Furlong of 220 yards.
The Mile of 1,760 yards.
The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

Area and volume—

The Square Yard, Square Foot and Square Inch.
The Cubic Yard, Cubic Foot and Cubic Inch and sub-multiples of a Cubic Inch.
The anna of $1\frac{1}{6}$ of the guntha.
The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.
The Square of 100 square feet.
The Brass of 100 cubic feet.

THE SECOND SCHEDULE.

(*See* section 47.)

PART I.

Enactments amended.

No. and year of Act.	Title.	Amendments.
		Acts of the Governor of Bombay in Council.
III of 1901 ...	The Bombay District Municipal Act, 1901.	For section 143 the following section shall be substituted, namely :—
		"143. The president, vice-president, or any councillor or officer authorized by the municipality in this behalf may at all reasonable times enter into any place [1][(other than a place prescribed by rules made under the Bombay Weights and Measures Act, 1932)] where weights or measures or weighing or measuring instruments are used or kept for purposes of trade and inspect such weights or measures or weighing or measuring instruments." Powers of inspection of weights and measures etc.
VI of 1923 ...	The Bombay Local Boards Act 1923.	After section 61A the following section shall be inserted namely :— [*See* section 61B of Bom. 6 of 1923, .]
XVIII of 1925 ...	The Bombay Municipal Boroughs Act, 1925.	For section 177 the following sect on shall be substituted, namely :— [*See* section 177 of Bom. 18 of 1925,]
[2][XVII of 1933 ...	The City of Karachi Municipal Act, 1933.	In section 165 after the word " place " the words, figures and brackets " (other than a place prescribed by Government by rules made under the Bombay Weights and Measures Act, 1932) " shall be inserted.]

[1] These words, figures and brackets were inserted by Bom. 9 of 1935, s. 6 (*1*).
[2] The entry was added by Bom. 9 of 1935, s. 6(*2*).

PART II.

Enactments repealed.

No. and year of Act.	Title.	Extent of repeal.
		Acts of the Governor General in Council.
XXXI of 1871 ...	The [1]Indian Weights and Measures of Capacity Act, 1871.	The whole.
II of 1889 ...	The [1]Measures of Length Act, 1889.	The whole.
		Acts of the Governor of Bombay in Council.
[2]Regulation XII of 1827.	A regulation for the establishment of a system of police throughout the zilas subordinate to Bombay for providing rules for its administration and for defining the duties and powers of all police authorities anld servants.	Section 20.
III of 1886 ...	The Bombay General Clauses Act, 1886.	In Schedule B the entry relating to section 20 of Bombay Regulation XII of 1827.
III of 1888 ...	The City of Bombay Municipal Act, 1888.	Sections 418, 419 and 420. Section 461, clause (*o*), sub-clause (*i*). In section 471, the entries relating to section 420, sub-section (*2*), clauses (*a*), (*b*), (*c*) and (*d*) and sub-section (*3*), clauses (*a*) and (*b*).
III of 1901 ...	The Bombay District Municipal Act, 1901.	Clauses (*e*) and (*ee*) of sub-section (*1*) of section 48.
IV of 1904 ...	The Bombay District Municipal (Amendment) Act, 1904.	Section 3.
IV of 1921 ...	The City of Bombay Municipal (Amendment) Act, 1921.	Sections 2, 3 so far as it relates of sub-clause (*i*) of clause (*o*) of section 461 and section 4.
XVIII of 1925 ...	The Bombay Municipal Boroughs Act, 1925.	Clauses (*h*) and (*i*) of section 61.

[1] Central Act.
[2] *See* Vol. I of this Code.